

Amendments to the Drawings:

In the attached sheets of drawing, the character 'H' has been deleted from Fig. 11, the character 'T' has been added to Fig. 3B to show the tread side, and the reference characters 6a-6d have been changed in Figs. 3A and 3B to be consistent with the characters 6a-6d in Figs. 1C and 2. The attached sheets replace the original sheets that include, respectively, Fig. 11 and Figs. 3A-3C.

Attachment: Two Replacement Sheets

REMARKS

In response to the objection to the drawings, replacement sheets that correct the informalities are submitted herewith. The reference character 'T' for the tread side has been provided in Fig. 3B and added to the specification.

In response to the objections to the specification and the rejection of claims 1 and 2 under 35 USC 112, the informalities and indefinite expressions have been corrected or deleted.

Reconsideration of the rejection of claim 1 under 35 USC 103 as being unpatentable over Katoh is respectfully requested. In rejecting claim 1 under 35 USC 103, the Examiner states that it would have been obvious, even without a reference disclosing it, to space the ends of the protrusions of Katoh from the adjacent metal cores by a distance within the claimed range. The applicants point out that the Katoh reference does not even address the issue of the spacing of the ends of the protrusions from the adjacent metal cores. Furthermore, there is no suggestion whatever that would lead anyone to make the distance "r" in the crawler circumferential direction between the ends of the horizontal protrusions and adjacent metal cores of the Katoh reference to be $\Delta r \leq r \leq 2\Delta r$ when the rubber crawler track is horizontal, wherein $\Delta r = 2\pi h/n$, "h" is the distance from the layer of steel cords to portions of the horizontal protrusions that contact one another when the crawler track is wound around a sprocket, and "n" is the number of teeth of the sprocket for engaging the rubber crawler track. Of all the dimensions that might be chosen for "r", Katoh does not disclose $\Delta r \leq r \leq 2\Delta r$, and nothing suggests $\Delta r \leq r \leq 2\Delta r$ rather than other dimensions that might be chosen for "r". One of ordinary skill having the Katoh reference in front of him has no guidance for choosing a value for "r", and is at least as likely to happen to choose a value outside the range $\Delta r \leq r \leq 2\Delta r$ as in the range.

The Examiner describes design considerations that might be taken into account when

determining a value "r", rather than providing reasons why it would have been obvious to use the value for "r" recited in claim 1. Furthermore, as was indicated earlier herein, the Katoh reference does not even raise the issue of determining a value for "r". Moreover, the design considerations proposed by the Examiner are not directly involved in the determination of the value for "r" recited in claim 1. More specifically, the Examiner state that the value for "r" recited in claim 1 would have been obvious if the spacing of the metal cores, the diameter of the sprocket, the thickness of the belt, and the weight of the vehicle were considered. In contrast, the value of "r" recited in claim 1 depends on the number of teeth of the sprocket and the distance from the layer of steel cords to portions of the horizontal protrusions that contact one another when the crawler track is wound around a sprocket. Thus, it would be coincidence if the value of "r" obtained by the Examiner's design considerations fell in the range recited in claim 1. The public would not have the knowledge of how to reliably determine a proper value for "r" were it not for the disclosure of the present application.

The applicants submit that the rejection is improper without at least a reference disclosing the value of "r" recited in claim 1. In this regard, in the case of *In re Ahlert and Kruger*, 165 USPQ 418, 420 (CCPA 1970), the court said "Assertions of technical facts in areas of esoteric technology must always be supported by citation to some reference work recognized as standard in the pertinent art and the appellant given, in the Patent Office, the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference."

Claim 2 has been amended to depend on claim 1, and is believed to be allowable with claim 1.

It is submitted that all of the claims are allowable and that the application is in condition


Amendment
Serial No.: 10/563,114

for allowance. An early notice to that effect is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0562.

Date: 1-15-08

Respectfully submitted,


John P. Shannon
Registration No. 29,276

Merek, Blackmon & Voorhees, LLC
673 South Washington Street
Alexandria, VA 22314
(703) 684-5633
Customer No. 48234

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on 1-15-08.


John P. Shannon